

September 18, 2007 CPC



STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

07SN0341

Acquisitions Plus LLC

Bermuda Magisterial District  
Bellwood Elementary; Falling Creek Middle; and Meadowbrook High Schools Attendance  
Zones  
North and South lines of Gayland Avenue

REQUEST: Rezoning from Light Industrial (I-1) and Residential (R-7) to Residential Townhouse (R-TH).

PROPOSED LAND USE:

Residential townhouse uses are planned. The applicant has agreed to limit the number of lots to 131, yielding a density of approximately 7.8 dwelling units per acre. (Proffered Condition 3)

RECOMMENDATION

Recommend denial for the following reason:

While the proposed zoning and land uses conform to the Jefferson Davis Corridor Plan which suggests the property is appropriate for residential use of 2.5 – 4 units per acre, with higher residential densities permitted under certain circumstances, the application fails to address transportation concerns relative to the provision of public roads, as discussed herein.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS.)

PROFFERED CONDITIONS

1. Public water and wastewater shall be used. (U)

2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
  - A. \$15,600.00 per dwelling unit, if paid prior to July 1, 2007; or
  - B. If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.
  - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
  - D. Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)
3. The maximum density of this development shall not exceed one hundred thirty-one (131) lots. (P)
4. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
5. No drainage from impervious areas shall drain to the northern property line. (EE)
6. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
7. Prior to any traffic generated by this development accessing through the adjacent property to the south (Bellwood Apartments), Noel Street (from Jefferson Davis Highway to Maris Road) and Maris Road shall be improved to VDOT standards and taken into the State System. (T)
8. A six (6) foot solid fence shall be installed within the required buffer along the northern property line. The exact design and treatment shall be approved at time of site plan or subdivision review. (P)
9. Prior to subdivision plan approval, the owner or its successor shall submit a security plan that at a minimum shall include a plan for phased implementation of security measures and periodic security plan review to the Chesterfield County Police Department for review and approval. The department's review may include, but not necessarily be limited to, the type, frequency and severity of

crime at the property to determine if the plan requirements should be modified up to and including the owner or its successor entering into a contract with the county or other approved entity for providing on-site security personnel. The owner or its successor shall implement the approved security measures based on the approved security plan. The security plan may be modified with approval from the Chesterfield County Police Department. (PD)

### GENERAL INFORMATION

#### Location:

North and south lines of Gayland Avenue, east of Jefferson Davis Highway. Tax IDs 792-678-1855, 2312, 2756, 3614, 3859, 4762, 5018, 5765, 6322, 6667, 7626, 7770, 8673 and 9532; and 793-678-0077.

#### Existing Zoning:

I-1

#### Size:

16.9 acres

#### Existing Land Use:

Single family residential or vacant

#### Adjacent Zoning and Land Use:

North - R-7; Single family residential

South and East- I-1; Two-family residential or vacant

West- R-7; Single family residential

### UTILITIES

#### Public Water System:

There is an existing sixteen (16) inch water line extending along the east side of Jefferson Davis Highway approximately 500 feet west of the request site. In addition, a twelve (12) inch water line extends within an easement along the eastern boundary of this site. Use of the public water system is intended. (Proffered Condition 1)

Per Utilities Department Design Specifications (DS-21), wherever possible, two (2) supply points shall be provided for subdivisions containing more than twenty-five (25) lots. To provide two (2) supply points for the 120 units proposed with this development,

connection will be required to the sixteen (16) inch water line along Jefferson Davis Highway and the twelve (12) inch water line adjacent to the eastern boundary of the site.

#### Public Wastewater System:

The public wastewater system is available to serve this site. There is an existing ten (10) inch wastewater collector line extending along Gayland Avenue adjacent to this site. This line is made of terracotta (clay) and precautions should be taken when working around this line. This ten (10) inch line connects to an existing eighteen (18) inch wastewater trunk line that extends within an easement along the eastern boundary of the request site. There also extends along Gayland Avenue a twelve (12) inch wastewater line carrying effluent from DSCR (Defense Supply Center Richmond) and Rayon Park Subdivision to an existing metering station located on the northeast boundary of the request site prior to discharging into the existing eighteen (18) inch trunk line. Use of the public wastewater system is intended. (Proffered Condition 1).

A hydraulic analysis must be made to determine the available capacity in the existing wastewater lines. Staff anticipates that this site will be served from the existing twelve (12) inch wastewater line providing adequate capacity and depth of the line is available.

### ENVIRONMENTAL

#### Drainage and Erosion:

The subject property drains to the east under the CSX Railroad and Interstate 95 directly into the James River. The majority of the property is wooded and, as such, should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering. This will ensure that adequate erosion control measures are in place prior to any land disturbance. (Proffered Condition 4)

There are currently no on- or off-site erosion problems, however a portion of the property has been used by all-terrain vehicles. There are no on-site drainage problems; however, Patterson Park, adjacent and north of the proposed zoning, has experienced drainage problems over the years. The drainage problems that the houses on the eastern end of Troycott Place have experienced over the years have been neutralized by some minor improvements. It is anticipated that if this development has any drainage from impervious areas draining to the north, it will cause the drainage problems to reoccur in Patterson Park. Staff recommends that drainage from any impervious areas not drain to the north. (Proffered Condition 5)

#### Water Quality:

No Name Creek drains through a portion of the site and is a perennial stream. As such, a 100 foot conservation area will be required on both sides of any associated wetlands inside of which uses are very limited. Any portions of the property that are within the

Resource Protection Area (RPA) and are not naturally vegetated are required by ordinance to be re-established with woody vegetation.

### PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

#### Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six new stations, the Plan also recommends the expansion of five (5) existing stations. Based on 131 dwelling units, this request will generate approximately sixty-six (66) calls for fire and emergency medical service each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 2)

The Bensley Fire Station, Company #3, currently provides fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

#### Schools:

Approximately sixty-nine (69) (Elementary: 30, Middle: 17, and High: 22) students will be generated by this development. Currently, this site lies in the Bellwood Elementary School attendance zone: capacity - 381, enrollment – 429; Falling Creek Middle School zone: capacity – 1,036, enrollment – 1,036; and Meadowbrook High School zone: capacity - 1,541, enrollment - 1,902. The enrollment is based on September 29, 2006 and the capacity is as of 2006-2007. This request will have an impact at the elementary, middle and high school level. There are currently nine (9) trailers at Bellwood Elementary; sixteen (16) at Falling Creek Middle and three (3) at Meadowbrook High Schools.

This case combined with other residential developments and zoning cases in the area, will continue to push these schools over capacity, necessitating some form of relief in the future. The applicant has addressed the impact of the development on schools. (Proffered Condition 2)

#### Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County.

This development would most likely affect the Chester Library or the Meadowdale Library. The Plan identifies a need for additional library space in the Chester area. The applicant has addressed the impact of the development on libraries. (Proffered Condition 2)

#### Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites.

The applicant has offered measures to address the impact of this proposed development on the infrastructure needs of Parks and Recreation. (Proffered Condition 2)

#### Transportation:

The property (16.9 acres) is currently zoned Light Industrial (I-1, 15.9 acres) and Residential (R-7, 1 acre). The applicant is requesting rezoning to Residential Townhouse (R-TH). The applicant has proffered that the maximum density will not exceed 131 lots (Proffered Condition 3). Based on townhouse trip rates, development could generate approximately 800 average daily trips (ADT). These vehicles will be distributed, via Gayland Avenue, to Jefferson Davis Highway (Route 1) which had a 2006 traffic count of 24,133 vehicles per day. The capacity of Route 1 is acceptable (Level-of-Service B) for the volume of traffic it currently carries. No roadways adjacent to, or within, the development are on the Thoroughfare Plan. The Transportation Department does not support this request because it would permit private roads to be developed in a residential townhouse subdivision.

The property will be developed for residential townhouses. Staff recommends that all of the main streets in these types of developments be accepted into the State Highway System. Past experience with private roads in townhouse developments has shown that long-term road maintenance becomes a problem. Road maintenance is a costly activity and, in several instances, the entity responsible for maintenance of private roads has failed to maintain them. Ultimately, the residents of these townhouse developments have contacted the county requesting repair to private roads. The county does not have funds appropriated for the maintenance of these roads. The Virginia Department of Transportation (VDOT) maintains all public roads in the county. To ensure the long-term maintenance of the roads within this proposed development, the applicant should proffer that all roads within the development will be accepted into the state system by VDOT. The applicant is not willing to make this commitment.

Gayland Avenue is a state-maintained roadway for approximately 500 feet west of the Route 1 intersection. Gayland Avenue right-of-way continues through the area to be rezoned. If the property is approved for townhomes without state-maintained roadways, prior to site plan approval, the applicant will need to submit a right-of-way vacation package to the county for staff review and Board of Supervisors approval.

To address Fire Department requirements for a secondary access and address general traffic circulation, the applicant has proffered to improve streets through the existing Bellwood Apartments to the south. Previously, fifty foot (50) foot rights-of-way had been dedicated to the county through the Bellwood Terrace apartments; however, the streets are privately maintained by the Bellwood Terrace apartment property owner(s). Prior to any traffic generated by this development accessing through the south, Noel Street (from Jefferson Davis Highway to Maris Road) and Maris Road will be improved to VDOT standards and taken into the State System (Proffered Condition 7).

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this proposed residential development. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of the residential development (Proffered Condition 2). As development continues in this part of the county, traffic volumes on area roads will substantially increase. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. No public road improvements in this part of the county are currently included in the Six-Year Improvement Plan.

VDOT's "Chapter 527" regulations, dealing with development Traffic Impact Study requirements, have recently been enacted. Staff has been meeting with VDOT to attempt to understand the process and the impact of the regulations. At this time, it is uncertain what impact VDOT's regulations will have on the development process or upon zonings approved by the county.

The Transportation Department does not support this request because it would permit private roads to be developed in a residential-townhouse subdivision.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	131*	1.00
Population Increase	356.32	2.72
Number of New Students		
Elementary	30.52	0.23
Middle	17.03	0.13
High	22.14	0.17
TOTAL	69.69	0.53
Net Cost for Schools	\$700,588	\$5,348
Net Cost for Parks	79,124	604
Net Cost for Libraries	45,719	349
Net Cost for Fire Stations	53,055	405
Average Net Cost for Roads	1,171,402	8,942
TOTAL NET COST	\$2,049,888	\$15,648

\*Based on a proffered maximum of 131 lots (Proffered Condition 3). The actual number of lots and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries, and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 2)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

Police:

The applicant is proposing to build a high density residential project. With the support of the County Administration, the Police Department seeks to have developers of new high density residential projects implement its recommendations for Crime Prevention Through Environmental Design (CPTED) which are planning and designing principles that constitute proactive crime prevention tools. Through CPTED principles, proper design and effective use of the environment can lead to a reduction in the fear and incidence of crime. In addition, the Police Department recommends that high density



residential projects either enter into a contract for the permanent presence of an police officer on the premises or annually submit a security plan to it for review and approval.

The applicant has addressed the police department's security concerns in its submissions; accordingly, the Police Department supports the applicant's request. (Proffered Condition 9)

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Jefferson Davis Corridor Plan which suggests the property is appropriate for residential use of 2.5 – 4 units per acre. The Plan also suggests that as part of a “Flexible Redevelopment Area”, this property may be appropriate for high density residential uses provided it is of a sufficient size to accommodate this more intense development and has adequate access to major arterial or collector roads.

### Area Development Trends:

Properties to the north and west are zoned Residential (R-7) and are occupied by single family dwellings within Patterson Park Subdivision or on acreage property, or are currently vacant. Properties to the south and east are zoned Light Industrial (I-1) and are occupied by Bellwood Terrace Apartments or remain vacant.

### Site Design:

Development must conform to the requirements of the Ordinance for Residential Townhouse (R-TH) Districts.

### Density:

A maximum of 131 lots have been proffered, yielding an overall density of 1.2 dwelling units per acre. (Proffered Condition 3)

### Building Materials:

Proffered Condition 6 addresses foundation treatment for dwellings.

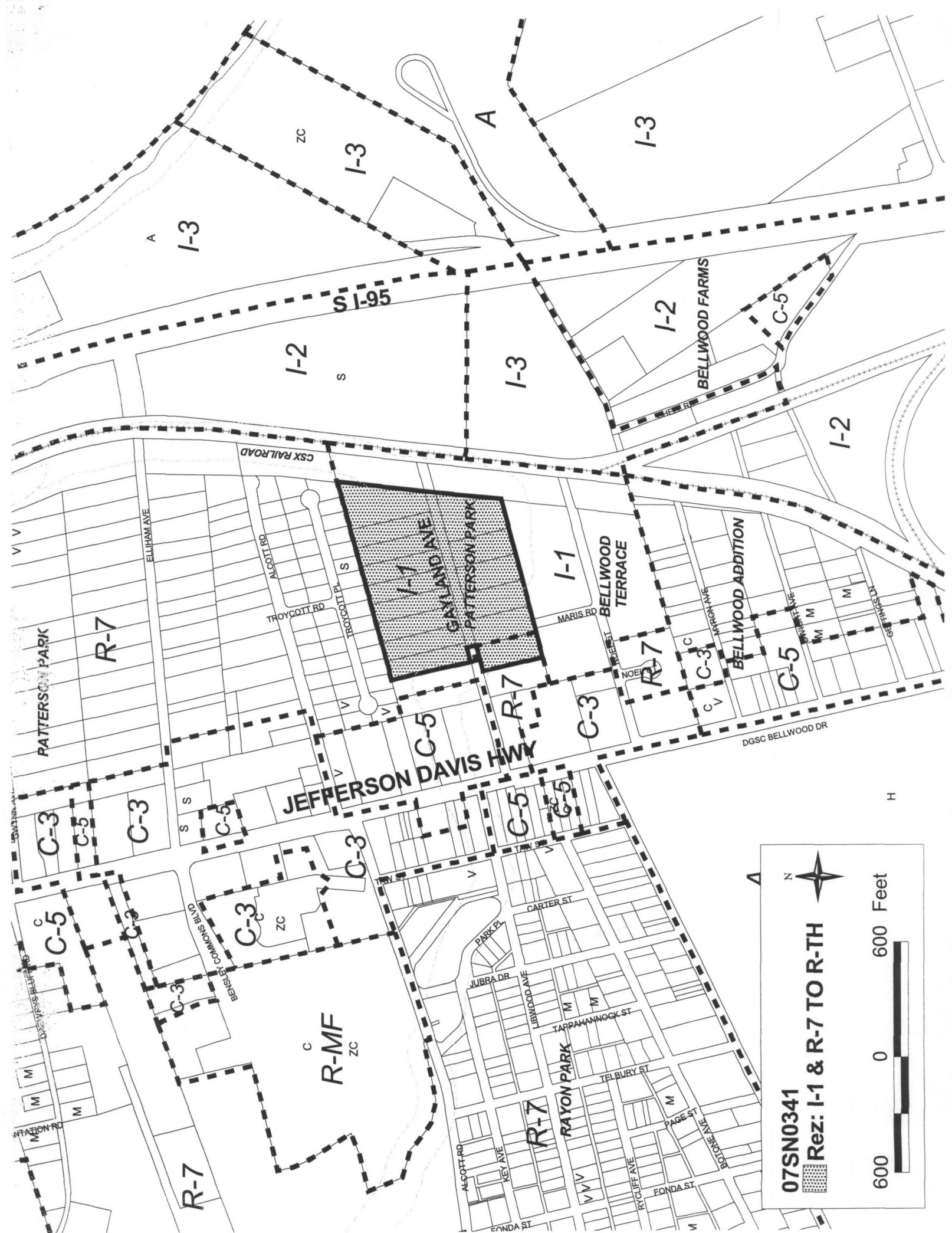
### Buffers and Fencing:

The Zoning Ordinance requires the provision of fifty (50) foot buffers along the northern and western property boundaries adjacent to residentially-zoned properties. The Ordinance does not allow these required buffers to be modified through plans review. The applicant has proffered to incorporate fencing within the northern buffer. (Proffered Condition 8)

## CONCLUSIONS

While the proposed zoning and land uses conform to the Jefferson Davis Corridor Plan which suggests the property is appropriate for residential use of 2.5 – 4 units per acre, with higher residential densities permitted under certain circumstances, the application fails to address transportation concerns relative to provision of public roads, as discussed herein.

Given these considerations, denial of this request is recommended.



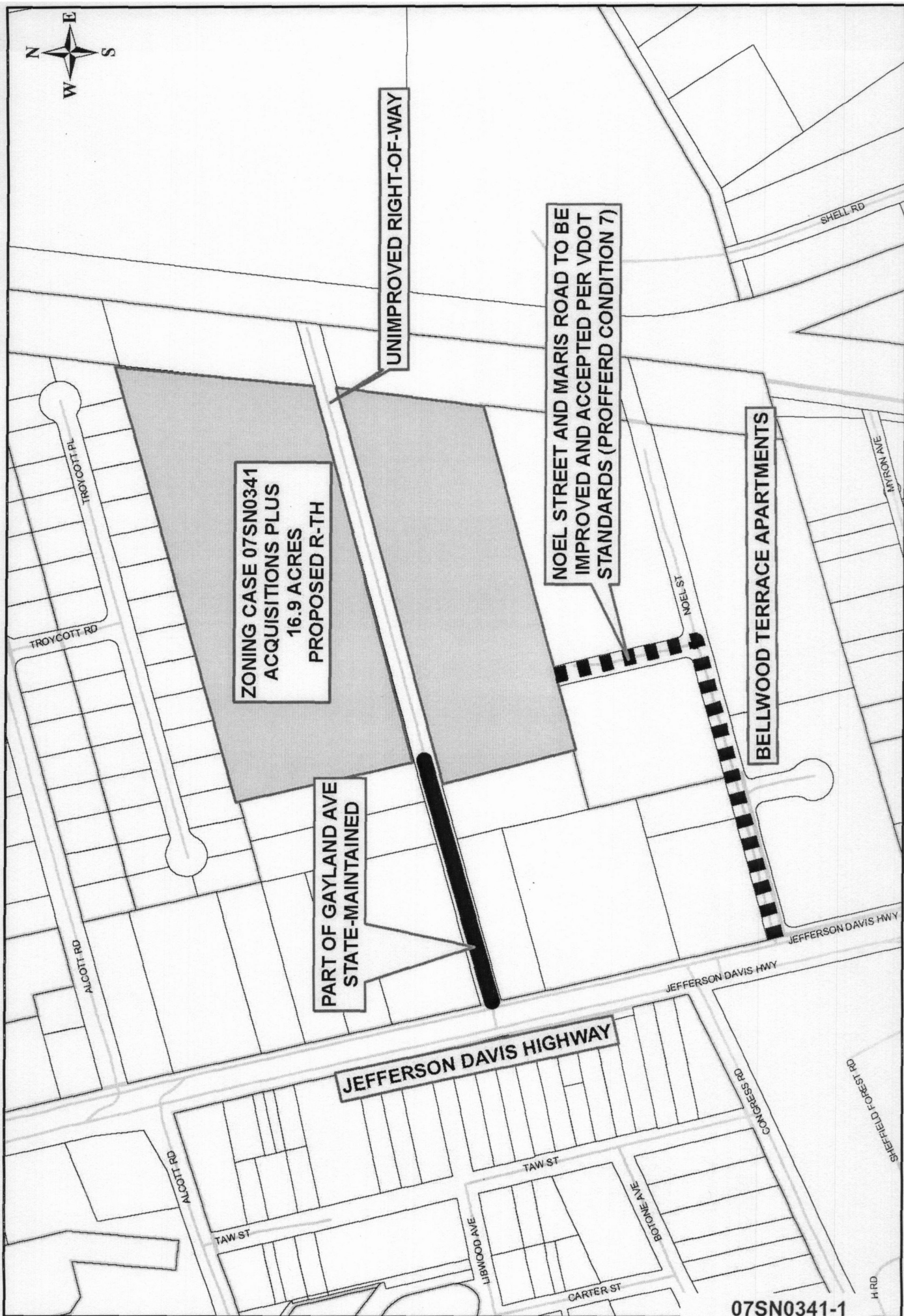
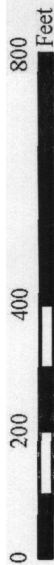
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# ZONING CASE 07SN0341 ACQUISITIONS PLUS



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